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8 UNITED STATES DISTRICT COURT
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) CR No.
11 Plaintiff,)
12 v.) I N F O R M A T I O N
13 ZOILA O'BRIEN,) [18 U.S.C. § 1349: Conspiracy
14 aka "Latisha,") to Commit Health Care Fraud]
15 aka "Maria,")
16 Defendant.)

17 The United States Attorney charges:

18 [18 U.S.C. § 1349]

19 A. INTRODUCTORY ALLEGATIONS

20 At all times relevant to this Information:

21 The Conspirators

22 1. Defendant ZOILA O'BRIEN ("O'BRIEN"), also known as
23 ("aka") "Latisha," aka "Maria," worked as a patient recruiter or
24 "marketer" for durable medical equipment supply ("DME")
25 companies, including Bonfee, Inc. ("Bonfee") and Ibon, Inc.
26 ("Ibon"). Bonfee and Ibon were located at 550 East Carson
27 Boulevard, Carson, California, within the Central District of
28 California, and were owned and operated by Charles Agbu and his

1 daughter, Obiageli Agbu, respectively.

2 2. As a marketer, defendant O'BRIEN solicited people with
3 Medicare benefits, who were known as "beneficiaries," for DME and
4 related services. In particular, O'BRIEN solicited Medicare
5 beneficiaries to receive power wheelchairs ("PWCs").

6 The Medicare Program

7 3. Medicare was a federal health care benefit program,
8 affecting commerce, that provided benefits to individuals who
9 were over the age of 65 or disabled.

10 4. Medicare was administered by the Centers for Medicare
11 and Medicaid Services ("CMS"), a federal agency under the United
12 States Department of Health and Human Services ("HHS"). CMS
13 contracted with private insurance companies to (a) certify DME
14 providers for participation in Medicare and monitor their
15 compliance with Medicare standards; (b) process and pay claims;
16 and (c) perform program safeguard functions, such as identifying
17 and reviewing suspect claims.

18 5. Individuals who qualified for Medicare benefits were
19 referred to as "beneficiaries."

20 6. Medicare assigned each Medicare beneficiary a Health
21 Identification Card containing a unique identification number
22 ("HICN").

23 7. DME companies, physicians, and other health care
24 providers which provided medical services that were reimbursed by
25 Medicare were referred to as Medicare "providers."

26 8. To obtain payment from Medicare, a DME company first
27 had to apply for and obtain a Medicare provider number.

1 9. If Medicare approved a provider's application, Medicare
2 assigned the provider a provider number, enabling the provider
3 (such as a DME company) to submit claims to Medicare for services
4 and supplies provided to Medicare beneficiaries.

5 10. Medicare reimbursed DME companies and other health care
6 providers for medically-necessary treatment and services rendered
7 to beneficiaries.

8 11. Most Medicare providers, including Bonfee and Ibon,
9 submitted their claims to Medicare electronically pursuant to an
10 agreement with Medicare that they would submit claims that were
11 accurate, complete, and truthful.

12 12. Medicare had a co-payment requirement for DME.
13 Medicare reimbursed providers 80% of the allowed amount of a DME
14 claim and the beneficiary was ordinarily obligated to pay the
15 remaining 20%.

16 B. THE OBJECT OF THE CONSPIRACY

17 13. Beginning in or around 2009, and continuing through in
18 or around 2010, in Los Angeles County, within the Central
19 District of California, and elsewhere, defendant O'BRIEN,
20 together with others known and unknown to the United States
21 Attorney, knowingly combined, conspired, and agreed to commit
22 health care fraud, in violation of Title 18, United States Code,
23 Section 1347.

24 C. THE MANNER AND MEANS OF THE CONSPIRACY

25 14. The object of the conspiracy was carried out, and to be
26 carried out, in substance, as follows:

27 a. Defendant O'BRIEN would approach Medicare
28 beneficiaries at swap meets, on the street, and at other

1 locations for the purpose of persuading the beneficiaries to
2 receive medically unnecessary PWCs. Defendant O'BRIEN would tell
3 the beneficiaries that they could receive free PWCs if they had
4 Medicare and/or Medi-Cal benefits. Defendant O'BRIEN would also
5 tell the beneficiaries that her name was "Latisha" or "Maria" to
6 conceal her true identity.

7 b. Defendant O'BRIEN would take the Medicare
8 beneficiaries whom she recruited to Dr. Emmanuel Ayodele and
9 other doctors knowing that the beneficiaries could walk
10 unassisted or with the assistance of a cane, that they did not
11 need PWCs, and that Dr. Ayodele and the other doctors would write
12 the beneficiaries fraudulent prescriptions for medically-
13 unnecessary PWCs and other services.

14 c. Bonfee and Ibon would use the Medicare information
15 of these beneficiaries and the fraudulent prescriptions from Dr.
16 Ayodele and the other doctors to submit fraudulent claims to
17 Medicare for PWCs and other services.

18 d. In addition to obtaining Medicare information from
19 the beneficiaries whom she recruited, defendant O'BRIEN would
20 also obtain Medicare beneficiary information from other
21 marketers, which she would then provide to Bonfee and Ibon in
22 order for them to use the information to submit fraudulent claims
23 to Medicare for medically unnecessary PWCs and other services.

24 e. Defendant O'BRIEN would split the fee or kickback
25 that she received from Bonfee and Ibon for these beneficiaries
26 with the marketers who provided her with the beneficiaries'
27 information. Charles Agbu or his daughter, Obiageli Agbu, would
28 pay defendant O'BRIEN approximately \$600 to \$700 for every

1 Medicare beneficiary whose Medicare billing information Bonfee
2 and Ibon used to submit a claim to Medicare for a PWC.

3 15. Between in or around 2009 and in or around 2010, Bonfee
4 and Ibon submitted, or cause to be submitted, claims to Medicare
5 totaling approximately \$586,619.78 for medically unnecessary PWCs
6 and related services that they purported to provide to Medicare
7 beneficiaries solicited by, or associated with, defendant
8 O'BRIEN. Medicare would pay Bonfee and Ibon approximately
9 \$356,360.69 on these claims.

10 D. OVERT ACTS

11 16. In furtherance of the conspiracy, and to accomplish its
12 object, defendant O'BRIEN, together with others known and unknown
13 to the United States Attorney, committed and willfully caused
14 others to commit the following overt acts, among others, in the
15 Central District of California and elsewhere:

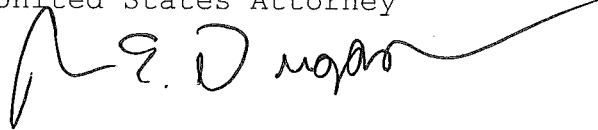
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1 Overt Act No. 1: In or around 2009, defendant O'BRIEN met
2 the owner of Bonfee, Charles Agbu, at the offices of Dr. Ayodele,
3 and agreed to work for Charles Agbu as a marketer.

4 ANDRÉ BIROTTE JR.
5 United States Attorney

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7 ROBERT E. DUGDALE
8 Assistant United States Attorney
 Chief, Criminal Division

9 RICHARD ROBINSON
10 Assistant United States Attorney
 Chief, Major Frauds Section

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12 Assistant United States Attorney
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17 JONATHAN T. BAUM
18 Senior Trial Attorney, Fraud Section
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